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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

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REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the Central and Eastern European regional seminar of experts on the protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Central and Eastern European regional seminar of experts on the protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level.

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ANNEX

Report of the Central and Eastern European regional seminar of experts on the protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level
(Warsaw, 5-7 July 2000)

Chairperson-Rapporteur: Mr. Nils Muiznieks

CONTENTS

	Paragraphs	Page
Introduction	1 - 8	4
I. OPENING OF THE SEMINAR	9 - 15	5
A. Message from the High Commissioner for Human Rights	9 - 13	5
B. Election of the Chairperson-Rapporteur	14	8
C. Adoption of the agenda	15	8
II. TOPIC I. GENERAL TRENDS, PRIORITIES AND OBSTACLES IN COMBATING RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN CENTRAL AND EASTERN EUROPEAN STATES	16 - 39	8
III. TOPIC II. NATIONAL MINORITIES IN THE REGION: ISSUES AND PERSPECTIVES ON EQUAL OPPORTUNITY AND FULL PARTICIPATION IN SOCIETY (RACISM AND INSTITUTIONALIZED RACIAL DISCRIMINATION, ETHNIC NATIONALISM IN CIVIL SOCIETY AND POLITICAL LIFE, POLITICAL RESTRUCTURING OF MULTI-ETHNIC SOCIETIES)	40 - 55	12
IV. TOPIC III. PERSISTENCE OF DISCRIMINATION AGAINST THE ROMA, WITH REFERENCE TO RACIALLY-MOTIVATED VIOLENCE, AND DISCRIMINATION IN ACCESS TO JUSTICE, EDUCATION, HOUSING, HEALTH CARE AND EMPLOYMENT	56 - 63	15

CONTENTS (continued)

		Paragraphs	Page
V.	TOPIC IV. THE RESURGENCE OF XENOPHOBIA AND INTOLERANCE IN CENTRAL AND EASTERN EUROPEAN STATES, WITH REFERENCE TO ANTI-SEMITISM AND RACIAL DISCRIMINATION AGAINST MINORITIES, MIGRANTS, REFUGEES AND ASYLUM-SEEKERS	64 - 71	17
VI.	TOPIC V. STRENGTHENING HUMAN RIGHTS CAPACITY-BUILDING AGAINST RACISM AND INTOLERANCE, E.G. THE RULE OF LAW, THE CAPACITY OF ADMINISTRATIVE AND JUDICIAL INSTITUTIONS, THE ROLE OF LAW ENFORCEMENT AUTHORITIES, HUMAN RIGHTS EDUCATION AND TRAINING, NATIONAL PROGRAMMES AND POLICIES TO ELIMINATE RACIAL DISCRIMINATION	72 - 74	18
VII.	TOPIC VI. ACTION BY GOVERNMENTS AND NATIONAL INSTITUTIONS: BEST PRACTICES	75 - 77	19
VIII.	TOPIC VII. ACTION BY NGOS AND CIVIL SOCIETY: BEST PRACTICES	78 - 88	20
IX.	RECOMMENDATIONS OF THE EXPERT SEMINAR	89	22

Appendices

I.	List of participants	31
II.	Agenda	32
III.	List of documents	33

Introduction

1. In its resolution 52/111, the United Nations General Assembly expressed concern that, despite efforts undertaken by the international community at various levels, the problems of racism, racial discrimination, xenophobia and related intolerance had not been eradicated and even seemed to be on the increase. As well, there were new threats, such as the dissemination of racist and xenophobic propaganda on the Internet. The Assembly accordingly decided to convene a third world conference on racism, racial discrimination, xenophobia and related intolerance that would "be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments."

2. The main objectives of the World Conference should be:

(a) To review progress made against racial discrimination, to reappraise obstacles to further progress and to devise ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of existing instruments to combat racial discrimination;

(c) To increase the level of awareness about the scourges of racism and its consequences;

(d) To formulate concrete recommendations on ways to increase the effectiveness of United Nations activities and mechanisms through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and other factors leading to racism;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance; and,

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance.

3. The United Nations High Commissioner for Human Rights has been designated Secretary-General of the World Conference, and in this capacity has been assisting States and regional organizations to convene national and regional meetings, with the involvement of specialized agencies and the regional commissions, and has launched other initiatives, including at the expert level, to prepare for the World Conference.[1] By the time the World Conference is convened in South Africa in September 2001, the High Commissioner will have held regional

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[1] See paragraph 28 of General Assembly resolution 54/154 of 17 December 1999 and paragraph 55 of Commission on Human Rights resolution 1999/78 of 28 April 1999.

expert seminars in Africa, Asia and Latin America in close cooperation with the Economic and Social Council for Asia and the Pacific, the Economic Commission for Latin America and the Caribbean and the Economic Commission for Africa and, in the Central and Eastern European region, with the Government of Poland with a view to formulating concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

4. In resolution 2000/14 (para. 61), the Commission on Human Rights requested the regional preparatory process "to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes.

5. In accordance with the above, the Central and Eastern European regional seminar of experts, entitled "The protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level", was held from 5 to 7 July 2000 in Warsaw. The purpose of this expert seminar was to examine the problems of racial discrimination, xenophobia and related intolerance in the Central and Eastern European region, particularly with regard to the protection of minorities and other vulnerable groups, with a view to finding ways and means by which to strengthen human rights capacity at the national level. Ten experts were invited to present papers on the respective agenda items; their names appear in the list of participants at appendix I.

6. The present report, submitted pursuant to resolution 2000/14, is intended to convey the substance of the presentations, papers, discussions and recommendations produced at the expert seminar.

7. Following the presentation of the background papers prepared by the 10 experts and the discussion of the various issues pertaining to the theme of the expert seminar, and with the involvement of all participants, the experts agreed upon a set of recommendations reflecting the views set out in the papers, presentations and discussions.

8. Appendices I, II and III to the present report set out the list of participants, the agenda of the seminar and the list of documents circulated by the secretariat at the expert seminar.

I. OPENING OF THE SEMINAR

A. Message from the High Commissioner for Human Rights

9. The Deputy High Commissioner for Human Rights opened the expert seminar and presented a message from the High Commissioner. In her message, the High Commissioner stated that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would register humanity's determination to achieve a world of equality in law and in fact, of human dignity, and of universal respect for all without discrimination on grounds of race, gender, nationality, social origin, or birth. She underlined that the success of the World Conference lay in the hands of experts, non-governmental organizations, Governments,

teachers, publicists, the media and the public at large, and that she would use the occasion to call for a global mobilization of conscience to eradicate racism, racial discrimination, xenophobia and related intolerance.

10. Recalling the minority protection system of the League of Nations and the jurisprudence of the World Court, the High Commissioner's message underlined that the protection of minorities and other vulnerable groups and the strengthening of national capacity for their protection had been on the agenda of the international community for nearly a century. She also drew attention to the fact that the United Nations had long ago declared the protection of minorities to be among the central purposes of its human rights programme, as evidenced in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and norms on the human rights of indigenous populations. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and regional instruments of the Organization for Security and Cooperation in Europe and the Council of Europe also strengthened the legal underpinnings of the protection of minorities and vulnerable groups. However, effective implementation remained a challenge.

11. The High Commissioner also recalled that successive Decades for Action to Combat Racism and Racial Discrimination had in view the protection of minorities and other vulnerable groups. The first World Conference to Combat Racism and Racial Discrimination, held in 1978, urged all States to abolish and prohibit any discrimination among their citizens on the ground of their ethnic or national origin and to protect and promote the human rights of persons belonging to national and ethnic minorities. The Conference recommended that States adopt specific measures in the economic, social, educational and cultural fields and as regards civil and political rights to ensure that all persons would enjoy legal and factual equality and that discrimination between majorities and minorities was eliminated. It also urged States to recognize among specific rights pertaining to indigenous populations the right to carry on their traditional structure of economy and way of life within their areas of settlement, to maintain and use their own language, to receive education and information in their own language, and to disseminate information regarding their needs and problems. It also called on States receiving migrant workers to eliminate all discriminatory practices against such workers and their families by giving them treatment no less favourable than that accorded to their own nationals.

12. The Second World Conference, convened in 1983, recognized the world's considerable diversity of peoples, cultures, traditions and religions and declared the need for constant effort and vigilance on the part of all Governments to suppress and prevent all forms of racial discrimination. It also underlined that national and local institutions, as adapted to the needs and conditions of each country, could play an important role in the promotion and protection of human rights, the prevention of discrimination, and the protection of the rights of persons belonging to national and ethnic minorities, indigenous populations and refugees.

13. In her message, the High Commissioner called upon all participants at the expert seminar to review and build upon the recommendations of the earlier World Conferences and to take

account of the deliberations of United Nations and other organs in the intervening period. She further invited participants to consider the following questions with a view to formulating assessments or recommendations for consideration at the World Conference:

(a) A vision of the unity of the human family. Following the first mapping of the human genome, how can we instil in every child, every human being, a sense of the oneness of the human family so that each person can have a sense of belonging to the whole and none would feel excluded?

(b) Inclusive national identities. How can every country in the world revisit and recast its vision of a national identity that embraces and encompasses all parts or groups of the population and that gives to everyone a stake in the future of her or his country?

(c) Combating discrimination through promotion and protection of human rights. How can we spread the implementation of human rights across the globe so that the practice of rights - economic, social and cultural, and civil and political - can foster cultures of respect and tolerance, in the framework of fundamental human rights?

(d) Combating discrimination through the advancement of economic and social justice. How can we eliminate disparities in access to economic and social opportunities and thereby eliminate root causes of prejudice and discrimination?

(e) Internal self-monitoring. How can each country establish institutions to monitor potentially dangerous situations and head them off before they deteriorate?

(f) Preventive regimes. How can we act more effectively to prevent discrimination and other violations of human rights?

(g) Education. How can we use the opportunities provided by modern means of communication and information to spread the messages of the oneness of humankind, of respect, tolerance and good-neighbourliness? How can we instil a universal culture of human rights?

(h) Institutions. How can we develop the role of institutions nationally, regionally and internationally to guard against racism, racial discrimination, xenophobia and related intolerance?

(i) New problems encountered by minorities, indigenous populations, migrants. What are the contemporary problems faced by minorities, indigenous populations and migrants, and what can one recommend for consideration by the World Conference next year?

(j) Central and Eastern European dimensions. What insights would you wish to place before the World Conference about the Central and Eastern European dimensions of the issues under discussion, and what positive forms of action would you wish to identify for consideration by the World Conference and which positive experiences that it can commend to other regions of the world?

B. Election of the Chairperson-Rapporteur

14. Nils Muiznieks of the Latvian Centre for Human Rights and Ethnic Studies was elected Chairperson-Rapporteur by acclamation.

C. Adoption of the agenda

15. The provisional agenda for the seminar, which is reflected in the topics of the expert presentations and discussions summarized below, was adopted without a vote.

II. TOPIC I. GENERAL TRENDS, PRIORITIES AND OBSTACLES IN COMBATING RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN CENTRAL AND EASTERN EUROPEAN STATES

16. Mr. Muiznieks presented a paper entitled "The Struggle against Racism and Xenophobia in Central and Eastern Europe: Trends, Obstacles and Prospects" (HR/WSW/SEM.2/2000/BP.1). In his presentation, Mr. Muiznieks counterpoised hate speech and the right to free speech. In many Central and Eastern European countries, the right to free speech had been long suppressed, but since the fall of the Soviet Union, the pendulum had swung the other way. Free speech advocates argued that there was no connection between free speech and aggressive attacks, whereas others maintained that the connection between racist speech and aggression had been well demonstrated in such cases as the former Yugoslavia, Rwanda and certain other countries. He noted that politicians in a number of countries had shown considerable reluctance to place limits on the freedom of expression and, in a number of instances, had themselves engaged in hate speech. After citing some examples, Mr. Muiznieks remarked that the difficult questions surrounding freedom of speech versus hate speech required serious consideration as well as monitoring of the media and research on the links between racist speech, public attitudes and racist acts.

17. Efforts to combat racism and promote and protect human rights usually required some form of power-sharing. Accordingly, the priority should be to develop effective institutions such as ombudspersons. However, power-sharing could be difficult for elites that had only recently gained power. Since the collapse of Communist rule, crime rates had risen dramatically and there had been an alarming increase in extremist political activity related to racially motivated crime, including links with transnational crime and hate speech spread through the Internet.

18. Mr. Muiznieks noted that using traditional educational tools to spread tolerance could be ineffective because lessons could be quickly unlearned outside the classroom. For this reason, human rights education had to be supported by strong human rights work carried out by NGOs; in this regard he drew attention to the very important anti-racist educational work conducted by NGOs in the region.

19. In presenting his paper, entitled "General Trends, Priorities and Obstacles in Combating Racism and Racial Discrimination, Xenophobia and Related Intolerance in Central and Eastern European States" (HR/WSW/SEM.2/2000/BP.2), Ivan Ivanovich Antanovich drew attention to an alarming increase in racist incidents and commented that Governments seemed

ill-prepared to deal with the problem. He contended that Governments should, as a matter of priority: strengthen their national capacities; reduce economic, social and political inequalities; update their laws; ensure their implementation; and reform education. Also, much could be done through regional cooperation to tackle such problems as the illegal trafficking in human beings.

20. Mr. Antanovich concluded that military and other authoritarian methods could be of little use in dealing with problems of national coexistence. The United Nations had a special role to play in assisting a State once it had decided to adopt only peaceful solutions. Greater attention must be paid to the economic problems that give rise to outbursts of racism and xenophobia. In this regard, Mr. Antanovich recommended that economic reforms should be accelerated and deepened in order to eliminate unemployment, provide material assistance to the poor, open schools, hospitals and social centres, and build low-income housing, but that this must be considered a long-term process.

21. In the ensuing discussion, experts emphasized that regional cooperation remained key to combating racism. Mr. Antanovich reiterated his belief that efforts to stop racial discrimination were being made at a difficult time in the history of Central and Eastern European countries, namely a time of nation-building. The establishment of State structures in many of the countries of the region had been stymied or frozen during the time of Soviet domination, and although countries would never stop nation-building, countries in Central and Eastern Europe had fallen behind the countries of the West because nation-building had taken priority.

22. Mr. Galicki stated that for a certain time in the Soviet Union, there had been efforts to spread the idea of a "Soviet people" which fortunately had failed to take root. Today, it was recognized that nationhood could not be imposed by a Government.

23. Mr. Antanovich queried how law could be used to fight racism. Mr. Muiznieks replied that although law could not legislate morality and personal behaviour at all levels, it could create a space for tolerance in society. Mr. Reshetov added that law was not enough but, at the very least, it had to conform to international standards. He criticized the jurisprudence on the First Amendment to the Constitution of the United States concerning the right to freedom of speech, which in his opinion provided far too much latitude for the spread of racist hate speech. Mr. Muiznieks questioned where the line between freedom of speech and the right not to be subject to hate speech was to be drawn. Mr. Tarkhan-Mouravi suggested that professional associations of journalists could provide guidance as to how best to handle this problem. Mr. Galicki opined that whether speech crossed the line into incitement to racial discrimination depended very much on the circumstances in which a statement was uttered and how it was made. Mr. Reshetov said there had been a case in Russia on this point where someone had shouted, with the use of a microphone, in public "Down with Jews", and the court had held this speech to have been illegal.

24. The representative of the Simon Wiesenthal Center pointed out that there had been a rapid proliferation of hate sites on the Internet, directed against Jews, Blacks and many other groups, as well as information on how to make bombs. Most of the sites were based in the United States and were protected by the First Amendment. The Center had created a database to track hate sites on the Internet.

25. The representative of Latvia stated that there had been three positive trends in the law and practice of Central and Eastern European countries concerning racial discrimination: the enactment of new constitutional guarantees relating to human rights and minority rights; the appointment of focal points in the administrations of countries of the region to implement measures against racism; and improvement in the reporting capacity of Central and Eastern European countries to United Nations human rights treaty bodies, including CERD.

26. A number of participants agreed that Governments should be encouraged to report more fully on the situation of minorities in their countries, and that "shadow reports" of non-governmental organizations to the treaty bodies were to be encouraged.

27. The question of indicating ethnicity in identity documents was also raised and the experts considered such identification to be a matter of personal decision. The need for Governments to address the problem of hate speech, including racist hate propaganda on the Internet, was also touched upon.

28. The representative of the Peoples' Decade for Human Rights Education maintained that hate could not be combated with tolerance because racial hatred had become more organized. Racism was not simply a matter of ignorance or poor economic or social conditions or circumstances. It had to be treated as an attack on human rights in general.

29. Mr. Reshetov congratulated Latvia and Estonia for including in their Constitutions and domestic legislation measures to combat racial discrimination. However, in Latvia, for example, human rights provisions applied only to "citizens", and not to others who might be residents but not citizens. The representative of Latvia responded that the human rights provisions in domestic law applied to "everyone", but that unfortunately, the term "minority" had yet to be defined.

30. Ms. Petrova pointed out that hate speech was not synonymous with hate crime. Unfortunately, in Central and Eastern Europe, even hate crimes were not prosecuted. Countries in the region often did not acknowledge that racial discrimination existed and seemed to consider it a problem only in the United States and South Africa because this had been the message taught in Soviet-run schools. This explained why countries in the region had failed to understand or acknowledge that racism existed in the sense in which it is defined in international law. Despite the fact that article 1 of the International Convention on the Elimination of all Forms of Racial Discrimination defined "racial discrimination" in clear terms, and encompassed even the unintended effects of racism, many countries viewed racial discrimination as a matter of intolerance or a problem of ethnic minorities. In addition, many courts in the region employed the idea of "race" as a biologically rather than socially defined concept.

31. Mr. Dimitrijevic said that countries in the region accepted that there was ethno-nationalism, because this could even be considered advantageous as part of political campaign platforms, but he agreed with Ms. Petrova that no country in the region acknowledged that racism existed at home. Mr. Antanovich said that there was an international definition of racial discrimination in the Convention, but not one of "racism". Mr. Galicki considered that the definition of racial discrimination in the Convention was very broad and that it was therefore difficult to apply. In the European Convention on Human Rights (1950), the definition listed

prohibited grounds for discrimination. Mr. Galicki counselled a more flexible approach and that rather than accuse States of being racist, it would be better to develop a range of countermeasures. Mr. Reshetov stated that in their reports to the treaty bodies States referred to their Constitutions and laws, but insisted that they did not have problems of racism. Mr. Tarkhan-Mouravi said that countries should be requested to report on ethnic discrimination.

32. A representative of Migrant Rights International observed that a number of cases had come before the International Criminal Tribunals for the former Yugoslavia and Rwanda concerning the propagation of hate speech through radio broadcasts.

33. A representative of the International Movement against All Forms of Discrimination and Racism said that Japan had recognized that there were problems concerning a form of untouchability in Japan, but that it had not recognized this as a problem of racism.

34. The International League for Human Rights representative said that all States of the region were based on ethnic discrimination: in trying to build their own national identities, all ex-Soviet countries had relied on ethno-nationalism and racial discrimination.

35. The representative of Lithuania stated that great improvements had been made in law and policy in his country and that this was encouraging public opinion to advance on the issue of racial discrimination.

36. Ms. Siposz contended that instead of trying to define "racial discrimination" or "minority", it would be more productive to consider the multidimensional character of racism. Mr. Antanovich reiterated his view that definitions were necessary in order to identify the problem of racism and also to educate the public about it. Mr. Reshetov considered that definitions of racism could also be used to avoid condemnation of racism. In principle, however, participants agreed that it was no use getting lost in the problem of definitions, and that it was more important to focus on concrete strategies to combat racial discrimination and related intolerance.

37. A representative of the Office of National Minorities of the Organization for Security and Cooperation in Europe (OSCE) asserted that discrimination against the Roma and Sinti in countries of the region was seen as normal and natural. Sanctions against public officials were important to ensure compliance with the relevant international legal norms.

38. A representative of the United Nations Economic Commission for Europe (ECE) considered that accountability had to be strengthened at both the regional and international levels, and also at the level of parliaments and civil society, rather than expecting countries to make formal admissions that racism existed. A representative of Amnesty International concurred that States had to ensure accountability.

39. Mr. Muiznieks summed up the discussion by saying that the expert seminar should rely upon the definition of racial discrimination provided in the Convention. International cooperation to combat racial discrimination remained essential, standards had to be kept up to date and implementation had to be strengthened. In particular, regional organizations like the OSCE were important, and the interface between NGOs, Governments and the business

community should be strengthened, in particular between Governments and NGOs. He recalled the discussion on the role of the media. Efforts to bridge differences in religion and language were particularly important, for example with respect to the large influx of Muslims in the countries of Central and Eastern Europe.

III. TOPIC II. NATIONAL MINORITIES IN THE REGION: ISSUES AND PERSPECTIVES ON EQUAL OPPORTUNITY AND FULL PARTICIPATION IN SOCIETY (RACISM AND INSTITUTIONALIZED RACIAL DISCRIMINATION, ETHNIC NATIONALISM IN CIVIL SOCIETY AND POLITICAL LIFE, POLITICAL RESTRUCTURING OF MULTI-ETHNIC SOCIETIES)

40. Nicolai Girenko presented a paper entitled "National Minorities in the Russian Federation: Issues and Perspectives on Equal Opportunities and Social Participation" (HR/WSW/SEM.2/2000/BP.4). He observed that Soviet State ideology had embraced two conflicting assumptions: (i) the equality of all citizens (even "sameness"); and (ii) nationality as an important concept, in both the positive and negative senses, which often facilitated discriminatory practices against certain ethnic groups through indications on passports, differential access to educational institutions, etc. These conflicting ideological premises had coexisted, even through the period of perestroika, and were accompanied by the resurgence of national and ethnic self-consciousness. Moreover, they encouraged national self-determination movements within the former Soviet Union and the formation of new minorities within the newly created States.

41. Professor Girenko observed, however, that to be a member of a national minority in the Soviet Union was usually considered to be a negative thing, and in some cases was even considered to pose a threat to the majority. In the new democratic Russian Constitution, a citizen had a choice whether to declare his or her national origin on identity documents, but when a citizen chose not to disclose this information, there was suspicion and speculation as to why the information was withheld. Professor Girenko opined that whenever a people tried to impose social and political structures upon an ethnic identity, the result had always been bloodshed. In the new millennium, the challenge was to recognize pluralism and multiculturalism, and to train police, teachers and administrators who work or come into contact with members of national minorities in the value of multiculturalism.

42. In his paper, Professor Girenko distinguished between the following: (i) relations between the "title ethnic groups" of the Federation and Russians (i.e. Slavs); (ii) problems encountered by national minorities incorporated within the ethnic-social structure of the Russian Federation; (iii) problems encountered by national minorities who migrated to Russia following the break-up of the Soviet Union; (iv) problems of economic migrants from depressed regions of the Commonwealth of Independent States (CIS); and (v) problems of legal and illegal migrants from outside the former USSR. He recommended that due respect must be accorded to: (i) the individual rights provided for in the Russian Constitution and the ratified European Union instruments; and (ii) the collective rights of national/ethnic groups. However, international and domestic legal norms did not provide clear guidance on how these distinct sets of legal norms were to be interrelated in practice.

43. George Tarkhan-Mouravi presented a paper entitled "Problems of National Minorities and National Minorities as a Problem: Equity and Participation in Georgian Society" (HR/WSW/SEM.2/2000/BP.3) which drew attention to the situation in Georgia in order to exemplify the issues and problems arising in countries in the former Soviet sphere of influence. He noted that Georgia had considerable ethnic diversity and had been making a painful transition to democratic governance, but democratic institutions and human rights awareness remained weak and underdeveloped. At present, as Georgia's multi-ethnic society went through a process of restructuration, the concept of multiculturalism had become important to avoid the marginalization of minorities. He recommended that the implementation of international human rights obligations undertaken by States should be closely monitored.

44. Additionally, public awareness of inter-ethnic relations and minority rights had to be raised and the development of ethnic associations, multiculturalism and the political participation of minorities was to be encouraged. For example, the Government could take the lead in fostering public debate on ways in which federalism could assist inter-ethnic relations. Other practical initiatives could also be taken, such as the establishment of a "human and minority rights committee" in Central and Eastern European countries with top-level government and international participation to design measures to improve the situation. Local elections in minority-populated areas could be monitored with the help of international observers in order to safeguard the democratic process. Greater efforts had to be made to promote minority rights advocacy and training; visits by effective minority community leaders from other countries could be organized in order to share experiences and involve local community associations in policy-making. Finally, he argued that rural minority communities could be assisted in the marketing of their produce and measures to eradicate racial discrimination could be taken alongside broader public discussion.

45. Mr. Antanovich queried whether the nation-State and its Government could cope with the drive of communities to forge their particular identities. Was there a way to tame these impulses to avoid the disintegration of States? Should there be a set of guidelines developed to deal with this question?

46. Mr. Girenko remarked that in the Soviet Union, there were as many as 130-150 ethnic groups, depending on the particular official count at the time, some with only a few hundred members. In any case, what was important was ethnicity. Mr. Reshetov observed that all ethnic groups were entitled to one or another form of self-determination, although this might be subject to the will of the majority in a State. Ms. Siposz recommended that the World Conference should consider issues relating to full economic and social participation as a condition for the elimination of racial discrimination.

47. The representative of the OSCE stated that the OSCE linked the questions of the rights of national minorities to conflict prevention and security. The OSCE High Commissioner for National Minorities had tried to identify the problems from the point of view of conflict prevention. Policy makers should recognize the plurality of minorities and the diversity of interests within the country. Structures had to be put in place to make this happen. The High Commissioner on National Minorities identified education, language and participation as

three priorities to consider for the implementation of minority rights. To foster a more inclusive society, the High Commissioner had tried to develop concrete recommendations in the form of the Lund Recommendations.

48. The representative of Migrant Rights International pointed out that the International Labour Organization had adopted a number of instruments on migrant workers.

49. Ms. Petrova commented that courts in the United States had heard a defence of "cultural differences" to charges of polygamy and abuse of women, and she contended that culture should not be admitted as a defence to allegations of human rights violations. Also, the State cannot withdraw from certain issues involving ethnic identity. It had to choose a language to work in, decide which holidays to grant, decide how history was to be taught in schools, and make decisions on many other matters which involved ethnicity. Ultimately, individual human rights had to be upheld before positive tolerance could be promoted.

50. The representative of Azerbaijan said that inter-ethnic violence could be avoided if the minority respected the sovereignty of the majority and the majority also respected the rights of the minority. Azerbaijan had suffered a mass influx of refugees and internally displaced persons. In his opinion, the World Conference should emphasize the obligation of minorities to respect State sovereignty. He also underlined that aggressive nationalism in the form of terrorism could never be justified and that it could not excuse attacks on the territorial integrity, political independence and the inviolability of State borders. Religious intolerance should also be suppressed.

51. Mr. Girenko commented that often individual rights had to be balanced with collective rights. It was incumbent upon the State to assist, but not to intervene in the efforts of groups to maintain their culture. However, this should be done in ways that did not force a group to resume traditional ways of life, given that culture also evolved over time. Mr. Dimitrijevic noted that one of the problems with collective rights was how to determine who should represent the group. Moreover, collective rights should not lead to collective responsibility.

52. The representative of the OSCE Office for Democratic Institutions and Human Rights recommended that the World Conference should focus on prevention and early warning.

53. The representative of the ECE observed that groups wished: not to be discriminated against; to enjoy their cultural rights; to be integrated in wider society; to be part of larger global society; and to enjoy economic prosperity, health and education.

54. The representative of Hungary commented that one should not be too dogmatic on the question of individual versus collective rights; they must be pursued together and in balance. He also expressed the view that self-determination did not apply to national minorities except in a political sense.

55. In summarizing the discussion, Mr. Muznieks said that the basic starting point should be that human rights have to be respected in all law and practice relating to minorities. International organizations must play a strong preventive role, for example like that performed by the OSCE High Commissioner on National Minorities.

IV. TOPIC III. PERSISTENCE OF DISCRIMINATION AGAINST THE ROMA, WITH REFERENCE TO RACIALLY-MOTIVATED VIOLENCE, AND DISCRIMINATION IN ACCESS TO JUSTICE, EDUCATION, HOUSING, HEALTH CARE AND EMPLOYMENT

56. In her paper entitled "Persistence of Discrimination against the Roma, with reference to Racially Motivated Violence, and Discrimination in Access to Justice, Education, Housing, Health Care and Employment" (HR/WSW/SEM.2/2000/BP.5), Ms. Petrova stated that the Roma had come to Europe from India around the tenth century AD and had been living in various parts of the continent ever since. They were more numerous in several Eastern European countries, such as Bulgaria, the Czech Republic, Greece, Hungary, Romania, Slovakia and the former Yugoslavia. Despite their lasting presence in Europe, the Roma remained the least integrated and most persecuted people in Europe. After the fall of the Soviet Union, racist violence against Roma had increased and their fundamental civil rights were threatened. Ms. Petrova pointed to the systematic and massive violation of the human rights of the Roma by the North Atlantic Treaty Organization following the end of the bombing of Yugoslavia, which included killing, torture, abduction, rape and other humiliating and degrading treatment that, taken together, amounted to ethnic cleansing.

57. Ms. Petrova emphasized that anti-Roma discrimination constituted a clear case of racial discrimination as defined by article 1 (1) of the Convention. She pointed out that on the basis of regular professional monitoring of the situation of Roma, racial discrimination was a daily reality of Roma life. Governments should demonstrate their willingness to counter racism and discrimination by speedily ratifying and implementing fully international instruments, such as the International Convention on the Elimination of all Forms of Racial Discrimination, aimed at eliminating race discrimination. Many countries in the region had not acknowledged the social dangers of racially motivated crimes, in that racial motivation was not seen as an aggravating factor which necessitated a stiffer penalty under law.

58. Ms. Petrova stressed that Europe was a "multi-discriminatory society" for the Roma in that, although the laws of criminal procedure were neutral on their face, overt discriminatory treatment was more or less ubiquitous. For example, where Roma were victims of crime, their complaints were less frequently registered and acted upon. Inaction of the prosecutorial authority, i.e. refusal to open preliminary investigations following reports about violence against Roma, continued to be typical in some countries of the region. A key component in fighting discrimination against the Roma was government accountability. The serious and frequent violations against the Roma were often made worse by the lax response of government authorities.

59. Ms. Petrova's paper referred in detail to numerous cases of police ill-treatment of Roma as well as to violence perpetrated against Roma by civilians. She commented that discriminatory practices affecting Roma had been observed in all areas of life and that Roma faced discrimination in the criminal justice system, the military, prisons, public administration, as well as in education, housing, health care and in other areas. The precarious human rights situation of the Roma people, fundamentally conditioned by a vicious cycle of systemic racism, was further

complicated by a variety of social and economic disadvantages, including poor housing, unemployment, miserable living conditions, poverty, a high rate of illiteracy and ill-health. Ms. Petrova also drew attention to the situation of Roma as forced migrants from Eastern Europe to Western European countries, noting that, in general, Roma were treated as economic migrants rather than as deserving refugee status under the relevant international refugee law.

60. Unfortunately, Governments had not shown adequate resolve to counter racial discrimination against Roma. Many of the post-communist Eastern Bloc Constitutions contained non-discrimination provisions, but these often remained unimplemented at the domestic level. Her paper recommended that States ratify and implement the International Convention on the Elimination of all Forms of Racial Discrimination, involve representative groups of Roma at all stages of developing anti-racism policies and making decisions, recognize the problem of racial discrimination against Roma, and enact and enforce appropriate legislation and provide for civil and criminal remedies. Furthermore, there was a need for positive government action and the compilation of reliable statistical data to reflect as accurately as possible the status of the Roma in society, as well as the need to establish specialized bodies to act with respect to issues of racial discrimination, to facilitate dialogue and understanding between groups of Roma and public officials, and to raise public awareness about the extent of anti-Roma racism.

61. Ms. Petrova reiterated that racism could not be understood narrowly as an anthropological concept, or as an attitude or practice. Mr. Dimitrijevic agreed, but said that there was a certain ambiguity in article 1 of the Convention in that its reference to "national origin" could be interpreted as "nationalism" as a ground constituting "racial discrimination". Further, international law had been inefficient in combating racial discrimination: it had to be supplemented with social reform. On this point, the representative of Migrant Rights International reminded participants of the emerging international law jurisprudence on racial discrimination some of which pertained to hate speech and genocide. The representative of the International League for Human Rights averred that a debate which focused too narrowly on legal definitions of racial discrimination could not be useful, because such legal distinctions could have only limited significance in everyday life.

62. The representative for the International League for Human Rights opined that certain Governments in the region had sought to build their national identities by tapping into discriminatory prejudices latent in the majority population. On the other hand, it was encouraging to see that some Governments had for the first time begun to acknowledge the existence of racial discrimination in their countries.

63. The representative of the OSCE High Commissioner on National Minorities emphasized the work being done by regional organizations with regard to racial discrimination against the Roma and the Sinti, and said that this could be further enhanced through closer networking and coordination. The representative of the ECE added that it was important to strengthen accountability mechanisms through the Convention, subregional organizations and arrangements, parliaments in the region and civil society, including the media and NGOs.

V. TOPIC IV. THE RESURGENCE OF XENOPHOBIA AND INTOLERANCE IN CENTRAL AND EASTERN EUROPEAN STATES, WITH REFERENCE TO ANTI-SEMITISM AND RACIAL DISCRIMINATION AGAINST MINORITIES, MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

64. In presenting his paper, entitled "After the Deep Freeze: Ethnicity, Minorities and Tolerance in the New East and Central Europe" (HR/WSW/SEM.2/2000/BP.6), Konstanty Gebert remarked that the World Conference should explicitly prohibit anti-Semitism, adding that Europe had been far too tolerant of intolerance against Jews, Roma and Sinti and, more recently, against Muslims as well.

65. In his paper, Mr. Gebert wondered how it had been possible for xenophobia to have survived the Second World War. He argued that while liberal intellectuals denounced the horrors of the war, others had profited from the slaughter and concluded that the abuse could be continued. Discrimination against Jews, Roma and homosexuals had continued in Eastern and Central Europe, partly because of the dictatorial and oppressive Soviet occupation policies. Inter-ethnic conflicts had merely been frozen. In Central and Eastern Europe, the ideology of nationality based on biological bonds persisted, as revealed by various manifestations of "ethnic thinking". The Roma were the most discriminated against and persecuted minority in the region and their situation demanded constant national and international vigilance, monitoring and support. Mr. Gebert stated that the ethnic identification of the political collective, which was a consistent phenomenon across the region, tended to exacerbate nationalism and, as a result, favoured the development of anti-Semitism, racism and xenophobia. He recommended that a civic culture which produced solidarity with minorities as a matter of enlightened self-interest, rather than as a moral impulse, should be promoted. Every effort must be made to reduce intolerance in everyday life, especially in the media, which could be achieved through "self-policing" to avoid the propagation of stereotyping and intolerance. Through mutual agreement, school textbooks should be reformed to represent the perspectives of all communities.

66. The representative of the Simon Wiesenthal Center maintained that there should be a minimum standard in criminal law relating to hate speech on the Internet. Secondly, there should be filters or licences for Internet service providers to help control hate speech. Thirdly, Governments should ensure that instances of hate speech are vigorously prosecuted.

67. Mr. Reshetov, reacting to Mr. Gebert's opening remark that the World Conference should specifically prohibit anti-Semitism, expressed the view that the World Conference should rather refer to the problem of racial discrimination against all ethnic groups without mentioning any group in particular.

68. Mr. Reshetov presented a paper entitled "Strengthening Human Rights Capacity-building against Racism and Intolerance and the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination" (HR/WSW/SEM.2/2000/BP.8). He recalled that the implementation of the Convention, which 156 States had ratified or acceded to, was of particular importance in strengthening human rights capacity-building against racism and intolerance. The Convention obliged States parties to submit comprehensive reports every

four years, had an inter-State complaints procedure and provided States with the option to recognize the competence of the Committee on the Elimination of Racial Discrimination (CERD) to receive complaints from individuals and groups in countries which had declared such recognition.

69. However, many States failed to report satisfactorily or tended to recite the provisions of the Convention and assumed that no implementing domestic legislation was necessary. As for the inter-State complaints procedure, no State had yet availed itself of the capacity to lodge a complaint against another State and individual complaints had come mostly from Western European countries. Recently, however, the Committee had received some individual complaints from Central and Eastern European countries.

70. Mr. Reshetov recommended that CERD intensify its focus on early-warning measures, in particular, to assist Governments to prevent problems from escalating into conflicts and identify cases where there was a lack of an adequate legislative basis for defining and criminalizing all forms of racial discrimination. He also recommended the strengthening of recourse procedures, the identification of patterns of escalating racial hatred and violence or racist propaganda, particularly relating to racial discrimination perpetrated by elected or other officials, as well as the identification of significant patterns of racial discrimination through social and economic indicators, including patterns in refugee or IDP movements resulting from racial discrimination.

71. Mr. Reshetov considered that the Committee could further develop its capacity to respond to instances requiring immediate attention through a set of urgent procedures where there was a serious, massive or persistent pattern of racial discrimination or a situation of sufficient gravity posing a risk of further racial discrimination. For example, a CERD good offices mission had been received by the authorities of the Federal Republic of Yugoslavia, the Republic of Serbia, the Serbian authorities in Kosovo and representatives of ethnic Albanians of Kosovo, in 1993 and 1996.

VI. TOPIC V. STRENGTHENING HUMAN RIGHTS CAPACITY-BUILDING AGAINST RACISM AND INTOLERANCE, E.G. THE RULE OF LAW, THE CAPACITY OF ADMINISTRATIVE AND JUDICIAL INSTITUTIONS, THE ROLE OF LAW ENFORCEMENT AUTHORITIES, HUMAN RIGHTS EDUCATION AND TRAINING, NATIONAL PROGRAMMES AND POLICIES TO ELIMINATE RACIAL DISCRIMINATION

72. In presenting his paper entitled "Strengthening Human Rights Capacity-building against Racism and Intolerance" (HR/WSW/SEM.2/2000/BP.7), Vojin Dimitrijevic first cited a number of international human rights instruments against racial discrimination and developments in norms and implementation at the regional level, adding that jurisprudence at both the international and domestic levels indicated the limits of law-making in the area of discrimination and intolerance. In fact, the efforts to combat racism, ethno-nationalism, religious and other intolerance and discrimination, the instruments cited and United Nations action based on them might appear to be a monumental failure. Currently, racism and ethno-nationalism were being rationalized and legitimized by intellectual and political elites in spite of the bitter lessons of the past on mass transfers or exchanges of populations.

73. War propaganda and incitement to racial hatred continued, despite their prohibition in article 20 of the International Covenant on Civil and Political Rights. The unwillingness to try members of one's own group had necessitated the establishment of international criminal tribunals for the former Yugoslavia and Rwanda. However, the best prevention was anticipatory thinking and problem-solving, which should be built on the ability of the United Nations to inspire Governments to create capacities in times of peace to reach the goals spelt out in the international standards - a path already followed with some success by the OSCE High Commissioner on National Minorities.

74. Following a discussion on the relationship between the rule of law and human rights, the role of the judiciary in the promotion and protection of human rights and the need to sensitize the executive branch of government, particularly as regards the lower echelons where most citizens and aliens actually come into contact with "the State", Mr. Dimitrijevic concluded by offering an educational model. This model would involve, as a first step, the recruitment of participants from each country and community in a region to help them identify the best educational strategies to be applied. Second, participants would return to their region to transmit the experiences gained and promote leaders of groups of trainers at the local level to organize courses, workshops and other educational activities. The third step would consist in the training of versatile, adaptable and inventive organizers who knew their communities and could bring about positive change there. The final step would be the practical implementation of plans, programmes and methods.

VII. TOPIC VI. ACTION BY GOVERNMENTS AND NATIONAL INSTITUTIONS: BEST PRACTICES

75. In presenting his paper entitled "Action by Governments and National Institutions: Best Practices, Polish Experiences" (HR/WSW/SEM.2/2000/BP.9), Zdzislaw Galicki traced the engagement of Poland in the international system for the protection for national minorities since the end of the First World War. He drew attention to the conclusion of a minority rights treaty for Poland founded on the relevant provisions of the Treaty of Versailles in 1919, and to a number of bilateral treaties containing minority rights guarantees. He noted that the Constitution of the Republic of Poland of 17 March 1921 provided for the rights of national, religious or linguistic minorities to establish and use their own social, religious and educational institutions and language and to practise their religion freely. The Constitution of the People's Republic of Poland of 22 July 1952 expressed these rights only in the sense of the equality of all citizens "irrespective of sex, birth, education, profession, nationality, race, religion, social status and origin" and prohibited the spread of hatred or contempt for national, racial or religious minorities. The International Covenant on Civil and Political Rights, which Poland ratified in March 1977, positively influenced the attitude of the Polish authorities to the question of national minorities by encouraging the Government to pass and implement legislation specifically addressing the situation of minorities in the country.

76. Following a review of a number of universal international instruments as well as regional human rights instruments, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), and the Framework Convention for the Protection of National Minorities (1995), as they pertained to minority rights, Professor Galicki summarized recent trends in minority rights implementation in Poland. These developments concerned the

elaboration and adoption of new constitutional regulations dealing directly with the protection of minorities, further progress as regards the special rights of members of minority groups, and the elaboration and adoption of a separate law on national and ethnic minorities. Professor Galicki considered that the Parliamentary Commission for National and Ethnic Minorities, established in 1989 and which included representatives of national minorities, played a highly important role. The Constitution of the Republic of Poland, adopted in 1997, contained both a general non-discrimination clause as well as provisions for the special rights of Polish citizens belonging to national or ethnic minorities. Professor Galicki's paper reviewed legislation in the field of education and the teaching of minority language, problems particular to the education of Roma children, before noting the various administrative bodies dealing with aspects of minority rights in Poland.

77. In order to leave more time for the drafting of the conclusions and recommendations of the expert seminar, the Chair agreed with the experts to open the discussion on topics VI and VII together following the end of the presentation of Ms. Siposz, particularly as they both concerned best practices.

VIII. TOPIC VII. ACTION BY NGOs AND CIVIL SOCIETY: BEST PRACTICES

78. In presenting her paper entitled "Actions by NGOs and Civil Society to Combat Racism and Discrimination, Protect Minority Rights and Increase Human Rights Capacity: Best Practices" (HR/WSW/SEM.2/2000/BP.10), Magdalena Siposz said that NGOs were more effective where the context in which they worked was more supportive. One concern was to ensure that obligations States had undertaken at the international level were understood to constitute minimum standards and were not used to undercut domestic legal guarantees that extended protection at a higher level.

79. Ms. Siposz underlined that civil society had a crucial role to play in combating discrimination. However, few NGOs had an in-depth knowledge of international human rights law and minority rights organizations often found it difficult to apply international standards to local realities. The Minority Rights Group, among other NGOs, had provided training for minority rights activists on international standards and advocacy, for example, preceding the United Nations Working Group on Minorities and related to the Framework Convention for the Protection of National Minorities in cooperation with the Council of Europe. An emerging good practice was that a number of States had invited the Council's Advisory Committee responsible for monitoring the Framework Convention to discuss minority rights problems.

80. An example of a best practice could be found in the work of the Roma-Lom Foundation which addressed the needs of the village of Lom, Bulgaria, where about a third of the population was Roma, of whom some 95 per cent were unemployed. Roma-Lom arranged with local authorities for the gainful activity of Roma, including cultivation of unused land, a community centre and a number of economic development projects, all of which had increased Bulgarian-Roma interchange and improved tolerance. The activities of the Civil Society Resource Centre, based in Skopje, to distribute copies of the Universal Declaration and the European Convention on Human Rights to high schools provided another example of good NGO practices.

81. Ms. Siposz recommended that States that had not yet done so should be encouraged to recognize the competence of CERD under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination to receive communications from individuals and groups of individuals in respect of alleged breaches of the Convention. The World Conference should help ensure that international and regional minority rights instruments were publicized, understood and broadly used through the training of minority populations, including NGO activists, teachers and public officials, and disseminating information in relevant languages as well as conducting public education campaigns. In addition, the United Nations should strengthen its human rights treaty bodies and broaden channels for minority and NGO participation in the monitoring processes. She also recommended that the World Conference consider issues related to participation of minorities in the process of development, including in research and policy activities. Finally, good practices among minority-based organizations, NGO actors, Governments and the international community should be widely shared to promote lessons learned.

82. Ms. Petrova stated that combating racial discrimination could not be left to the goodwill of Governments and that the legal obligations of States at national and regional levels had to be clarified. She suggested that the development of concrete criteria for Governments could be useful and that Governments and civil society should also be encouraged to monitor themselves. Mr. Reshetov stated that national minorities were bound by existing legislation, while Mr. Antanovich commented that where national minorities existed, there was undoubtedly some form of discrimination.

83. The representative of KOK stated that 80 per cent of trafficked women in Germany came from Central and Eastern Europe. These women faced triple discrimination on account of being women, foreigners, and having been forced into prostitution.

84. The representative of the European Commission against Racism and Intolerance stated that it had conducted national surveys on racism and intolerance concerning potential victims of discrimination.

85. With the leave of the Chair, the representative of the Simon Wiesenthal Center demonstrated the CD-ROM which the Center had developed to track hate sites on the Internet.

86. The Chair welcomed Marek Nowicki, President of the Helsinki Foundation for Human Rights (Poland), who presented a paper. Mr. Nowicki stressed that education had to be reformed in order to correct "false" history and that it was important to identify the causes of racism. In this regard, both the majority and minorities had obligations to eradicate racism. Social, educational and preventive activities could be effective in eliminating racial discrimination; however, social activities should not lead to the assimilation of members of minorities but rather to an integration of distinct cultures within the social fabric. Mr. Nowicki also emphasized that inter-community and transboundary trade could promote intercultural understanding, as could sports and education at all levels. Tolerance had to be made fashionable through public-awareness campaigns. As regards conflict prevention, NGOs and community leaders could be educated to prepare communities in areas where refugees were expected to settle.

87. Mr. Reshetov commented that the rewriting of history books could give rise to national enmities and had to be approached with great caution.

88. The representative of the International Movement against All Forms of Discrimination and Racism indicated that her NGO had produced a manual concerning the effective implementation of the Convention that would soon appear on its Web site.

IX. RECOMMENDATIONS OF THE EXPERT SEMINAR

89. At its sixth meeting, on 7 July 2000, the Chairperson-Rapporteur presented a preliminary set of recommendations based on the preceding discussions and contributions received from participants at the seminar. These recommendations were reviewed extensively and adopted as revised. The Chairperson-Rapporteur was entrusted with the responsibility of making further necessary revisions and for finalizing the report. These recommendations, as approved by the Chairperson-Rapporteur are set out below.

General

1. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (hereafter "the World Conference") should encourage all States and international, regional and civil society organizations to intensify preventive action against racism and discrimination, focusing on anticipating and pre-empting conflict, dialogue among communities, and problem-solving in times of peace. The focus of activity should be capacity-building in the areas of analysis and monitoring, institution-building, legislative reform and enforcement, enhancing participation, anti-racist and human rights education, and remedial social and economic measures.

2. States should pay particular attention to the definition of racial discrimination contained in article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, which defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". In this connection, it is important to conduct nationwide campaigns to raise awareness among State organs, including the judiciary and law enforcement agencies, and civil society organizations, including associations involved with minorities, concerning the meaning of racial discrimination as defined in article 1 of the Convention.

3. The World Conference is encouraged to consider the general policy recommendations adopted by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, and especially general policy recommendation No. 1 on "Combating racism, xenophobia, anti-Semitism and intolerance", which recommends to the Governments of Member States, *inter alia*, to adopt laws, enforce them and offer judicial remedies, and to adopt policies and take measures in order to strengthen the fight against racism, xenophobia, anti-Semitism and intolerance.

4. The foundation of any successful anti-racist policy is political will. The World Conference should encourage government officials at all levels to acknowledge, publicly and consistently, that racism is a grave and pervasive problem that must be combated. Moreover, politicians should resolutely refrain from - and where necessary condemn - any racist appeals to voters.

5. The World Conference should underline the many-faceted nature of racism and encourage Governments to commission studies on its various faces, anti-Roma, anti-Jewish, anti-Black, anti-Muslim, etc. and every form of ethnicity-related discrimination and abuse, and to strengthen their capacity to address each particular form with appropriate legal, economic, cultural, political, educational and social measures.

6. The World Conference should note that there are a number of concepts of cultural and territorial autonomy that constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of a national minority that are in line with the principles and norms of international law.

7. The United Nations is encouraged to work more closely with States, civil society, including minority organizations, and international actors to urge States to comply with their obligation under international law to promote minority rights. This work should include the strengthening of treaty monitoring bodies through, *inter alia*, broadening channels for minority and NGO contributions to the monitoring processes. Within this context, country visits by treaty monitoring bodies, as well as voluntary contributions and reasonable accreditation procedures for NGO participation in intergovernmental forums, should be encouraged.

8. The World Conference is called upon to urge Governments to articulate a vision of an inclusive national identity that embraces and encompasses all parts of the population. Such a vision, which must rest on the foundation of equality and universal human rights, could serve as a guidepost for developing and implementing measures aimed at combating racism and promoting equality. Official documents and domestic legislation should be checked and adjusted in order to include in the national identity all minorities in the country, and any wording or norms suggesting or leading to exclusion should be avoided.

9. The World Conference should encourage all States, intergovernmental organizations, regional organizations and civil society organizations to join in the promotion of multicultural, multiracial and multi-ethnic aspects of society and to spread human rights awareness, particularly as regards the norms and practices pertaining to the protection of minorities and the combating of all forms of racism, racial discrimination, xenophobia and related intolerance.

10. Experts and NGO representatives from other regions should be invited and admitted to regional meetings that will be convened in preparation for the World Conference. This would allow participants to benefit from experiences gathered in the other regions of the world in respect of similar issues. Additionally, reports of the expert seminars held in other regions, particularly their recommendations, should be made available at such gatherings. Financial assistance to facilitate NGO participation could be explored.

Strengthening the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments

11. The World Conference should urge all Governments that have not already done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination and encourage them to declare, pursuant to article 14 of the Convention, that they accept the competence of the Committee on the Elimination of Racial Discrimination (CERD) to consider communications from individuals and groups concerning violations of the Convention.

12. The World Conference is encouraged to call upon all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to report to CERD in a timely and comprehensive manner. In particular, the World Conference should encourage all States parties to move beyond the recapitulation of domestic legal provisions concerning Convention obligations and to report more fully on the actual situation of individuals belonging to minority groups, disaggregating data by race, colour, descent, or national or ethnic origin, and including measures the Government may have taken to improve the situation.

13. All States should comply fully with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 (2) of the International Covenant on Civil and Political Rights. States which have made reservations under those articles are urged to consider withdrawing them. States should recognize racial discrimination as defined in article 1 (1) of the Convention as an aggravating factor in the commission of ordinary crimes and ensure adequate punishment in their criminal codes.

14. Civil society should be invited to monitor the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination by States parties through participation in the preparation and presentation of national reports to CERD and, if necessary, through the preparation of "shadow reports". States are urged to publish and disseminate widely their national reports and the concluding observations adopted by the Committee, and to make them available to the public at large in all major national languages.

15. In order to facilitate the participation of NGOs from developing countries in the CERD reporting process, it is advisable to increase the resources of the Office of the High Commissioner for Human Rights so that it can provide for the translation of NGO reports and communications into one of the working languages of the United Nations.

16. The World Conference should urge States to uphold and ensure the implementation of the rights enshrined in the six principal human rights treaties and regional instruments and comply with their obligations to report regularly on them to the treaty monitoring bodies, with particular reference to the principle of non-discrimination contained in each of those treaties.

17. The World Conference should consider recommending the establishment of regional centres for monitoring the situation of minorities to help identify trends and problems, disseminate information and develop solutions where possible, through joint efforts by the United Nations, regional organizations and Member States.

National legal frameworks and institutions against racism and racial discrimination

18. The World Conference should emphasize that international human rights standards on racial discrimination constitute a minimum level of promotion and protection and that in some cases higher levels of protection for minorities at the domestic level are required to promote equality in fact.

19. Although their constitutions prohibit discrimination in general and guarantee equality, Governments have yet to follow through on many of these constitutional promises by enacting implementing legislation. This is so, even though a number of countries have criminalized incitement to and acts of racially motivated violence. Governments which have yet to do so should enact comprehensive legislation specifically prohibiting all forms of discrimination - and providing civil and criminal penalties and remedies therefor - in all spheres of public life, including but not limited to education, employment, health care, social services, access to citizenship and public accommodation.

20. Governments are encouraged to ensure consistent and effective enforcement of existing legal standards in the field of discrimination. In particular, Governments are encouraged to take measures to ensure that all segments of society, in particular minority groups, enjoy equal access to education, which shall include multi-cultural and inter-cultural dimensions, materials on the cultures and history of all groups in society, and human rights; and to arrange for the training of public officials (including police, prosecutors, judges and teachers) about international norms prohibiting racial discrimination and their applicability in domestic forums. Law enforcement officials must be aware that racial discrimination is against the law, and that it is their duty to enforce that prohibition; to take positive measures to ensure that public officials, including police officers, who commit racist acts, in particular racially motivated ill-treatment, do not benefit from immunity and are brought to justice according to international norms; and to allocate sufficient personnel and financial resources to implement the foregoing.

21. Governments, national institutions and non-governmental organizations should be aware that international law also recognizes, and in some cases mandates Governments to implement affirmative action and special measures to ensure equality in fact as well as in law, and to act accordingly in regard to those groups which have suffered systematic discrimination. Among the most important measures which Governments can take in this regard are the identification and the strengthening of the training of minorities and their active recruitment into public employment, including the police, the prosecutorial corps and the judiciary.

22. States are encouraged to facilitate access to legal remedies on the part of victims of discrimination by reforming legislation in order to allow the legal intervention of institutions or non-governmental organizations on their behalf, and by developing programmes which provide access by the most vulnerable groups to the legal system.

23. Governments are urged to introduce ombudsperson institutions, where they have not already done so, and to develop this work on a local level within the State. Governments should establish specialized official bodies with responsibility to act in the field of racial discrimination, and independent institutions with the legal power to investigate and prosecute acts of discrimination.

24. Similarly, Governments should monitor the abuse of technology, especially the Internet, as a vector for hate speech and incitement to hate crime and violence. They should involve the Internet community in seeking judicial, technical and moral measures.

Effective participation

25. The World Conference is encouraged to draw upon the Lund Recommendations on the Effective Participation of National Minorities in Public Life and the Explanatory Note, drafted under the auspices of the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in particular with regard to the desirability of establishing specific arrangements for the participation of national minorities in decision-making at all levels. In this connection, States are encouraged to provide for the special representation of national minorities in central and local governments, reform electoral systems to facilitate minority representation, create advisory and consultative bodies, and establish territorial and non-territorial forms of self-governance.

26. The World Conference should underline the right of all peoples to participate fully and equally in the economic, social and political life of the country, and should recognize this right as an important factor in the better promotion and protection of the right of all individuals to enjoy equality in law and in fact. This includes the right of all peoples to become integrated into society by way of economic and social decision-making, including by the recruitment of persons belonging to minority groups in the State administration and public services.

27. In designing, implementing and evaluating policies to combat and prevent discrimination, Governments must involve representative groups from all minorities at all stages. Governments should pursue and intensify programmes to facilitate dialogue and understanding between minority groups, on the one hand, and various public officials, including the police, prosecutors and the judiciary, on the other.

28. All actors should accord priority attention to civil society capacity-building among minorities and the provision of resource centres and training to facilitate the economic and political participation of minorities.

29. The World Conference should urge Governments, the private business sector and international financial institutions, particularly the World Bank, to promote participation by minority groups in economic and social decision-making at all stages and levels.

30. The World Conference should consider issues related to participation of minorities in wider societal processes at all stages of development, including in research, decision-making, and the allocation and monitoring of funds. Regional focuses could be the processes for accession to the European Union and the Stability Pact for Southeastern Europe.

Education

31. Education on human rights should encompass not only training in human rights law (which remains important for certain target groups), but also training for lower educational

and age levels in order to broaden awareness of the universal character of human rights and to enable the articulation of interests and claims in terms of rights. This involves teaching and experience in many related fields, such as conflict prevention and resolution, new approaches to history, elements of psychology, community management, and organization of assistance for victims of disasters and conflicts.

32. States should be encouraged to develop and introduce in the school curricula and textbooks the notion of "belonging to the whole human family" and the universal values of human rights.

33. The World Conference should encourage enhanced international cooperation in establishing centres or institutions for preparing teachers, civil sector educators and advocates in the human rights of minorities.

34. Governments are encouraged to facilitate the establishment and maintenance of Internet Web sites and other information media that would raise awareness on the jurisprudence relating to the principle of non-discrimination in the region.

35. Intensive efforts should be undertaken at the national level to train the members of the legal profession in such a manner as to enable them to react to signs of incipient racial discrimination and intolerance.

36. Efforts directed at sensitizing the military and the police services to racial prejudices should be encouraged. Training in the rules of humanitarian law in internal conflicts is also recommended.

37. Renewed efforts should be undertaken to remove racially or ethnically biased references in textbooks used at schools, universities, professional/vocational training establishments and in all branches of the public sector.

38. Greater emphasis should be placed on teaching the history of national and ethnic minorities and of neighbouring countries.

39. The World Conference should encourage all relevant actors to promote human rights education with particular emphasis on respect for ethnic diversity, pluralism and the participation of minorities and other vulnerable groups, and to ensure that this emphasis is systematically included in school curricula and forms part of the training of teachers, law enforcement officials and other public officials.

40. Human rights education should address racism directly, recognizing that the teaching of the universality and applicability of human rights goes beyond the teaching of basic social courtesy and tolerance.

Best practices

41. The Seminar encourages the establishment of and support for regional bodies specialized in combating racism and intolerance, such as the European Commission against

Racism and Intolerance of the Council of Europe. The Seminar urges the World Conference to consider the issue of increased coordination among the various intergovernmental organizations concerned with minority rights.

42. The Seminar supports recent initiatives by many Central and Eastern European States to establish independent national institutions according to the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular human rights ombudsperson offices, national commissions for racial equality, and centres for combating racism and promoting equal opportunities. It welcomes the establishment of new national institutions and the further strengthening of existing offices.

43. The Seminar supports the work of human rights organizations and lawyers in the region to initiate anti-discrimination litigation, challenging in courts of law entrenched patterns of systemic discrimination in all spheres of social life, such as education, employment and housing.

44. The World Conference should consider requesting international and regional organizations to identify and highlight practices and forms of action that have provided tangible results.

Issues of particular importance to the Central and Eastern European Region

45. While recognizing that the conclusions and recommendations set out in sections I to VI above were of direct relevance to the human rights situation in the Central and Eastern European region, the participants wished to draw special attention to certain challenges specific to the region.

Racism and national minorities

46. The World Conference should note that racial discrimination in Central and Eastern Europe often affects national minorities. In particular, racial discrimination in the region has taken the form of anti-Semitism, discrimination against minorities such as the Roma, and discrimination against Muslims.

47. The World Conference should emphasize that special care should be taken to protect national minorities whose self-identification occurred in the post-communist transition period. Their self-consciousness and national identity are sometimes far from being congruent with those of the core nations. It is recommended that the World Conference acknowledge or provide for better ways to seek solutions, such as the opening of schools offering instruction in minority languages in areas where minority speakers may be concentrated, and to make possible the publishing of textbooks and the promotion of conditions for the "cultural autonomy" of minorities.

48. Where groups face discrimination in more than one country, the countries concerned should cooperate in taking joint action and devising regional strategies to solve the problem.

49. The World Conference should encourage States, intergovernmental organizations at the regional and subregional levels, and civil society to exchange information on best practices and lessons learned in the resolution of minority and race-related problems.

50. Governments should demonstrate their willingness to counter racism and discrimination by ratifying and fully implementing available regional instruments aimed at eliminating racial discrimination, including the Race Discrimination Directive of the European Union, adopted by the Council of Ministers on 29 June 2000, and Protocol No. 12 to the European Convention on Human Rights, adopted on 26 June 2000.

51. The World Conference should encourage European regional organizations, such as the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, to coordinate more intensively their efforts in the realm of combating racism and xenophobia.

52. Governments and the private sector in the region should be urged to devote more intensive efforts towards assisting the NGO sector in the region and developing a legal and financial framework to ensure its sustainability in the face of declining external assistance. The World Conference could also urge regional and international bodies to continue to support financially NGOs and grass-roots initiatives in the region. It is important that funds are not taken from local initiatives, in favour of regional or other initiatives.

53. International organizations should be invited to pay special attention to the protection of the rights of persons belonging to national, ethnic and linguistic minorities living in countries where they are not citizens, and recognize that stateless persons, asylum-seekers and other vulnerable groups frequently suffer multiple forms of discrimination.

Persistence of racism against the Roma

54. Governments are encouraged to cooperate more constructively with the leaders of Roma organizations in their countries so that the needs of the Roma can be identified and priorities established. Measures designed to improve their situation should be undertaken only with the prior approval and input of Roma communities.

55. Given the persistent discrimination and racism against Roma in Europe, thorough consideration of the situation of this group should continue to be given throughout the preparatory process for the World Conference, the World Conference itself, and in the follow-up processes to the World Conference.

56. The participants at the Seminar welcome initiatives taken by various United Nations bodies for the protection and prevention of discrimination against Roma, in particular CERD and the Sub-Commission on the Promotion and Protection of Human Rights, and encourage them to continue to pay close attention to the issue in cooperation with other relevant international and regional institutions.

57. Government efforts to design policies aimed at combating racial discrimination, xenophobia and related intolerance should be based on reliable statistical data and other

quantitative information reflecting as accurately as possible the status of the Roma in society. Such information should be collected in accordance with human rights principles and in consultation with the persons concerned, and protected against abuse through data protection and privacy guarantees.

58. The World Conference should intensify efforts at educating the public about the extent of anti-Roma racism, and about the contributions of Roma culture and history.

59. The World Conference should call upon States to ensure that Roma children are provided equal access to quality education as formulated in the recommendations of the OSCE High Commissioner on National Minorities (Report on the Situation of Roma and Sinti in the OSCE Area, 2000) and by the Specialist Group on Roma/Gypsies of the Council of Europe. Governments should develop dedicated policies and programmes with the input of parents and schools. These might include, *inter alia*, opportunities to learn the official language in pre-school, recruitment of Roma teachers and classroom assistants, and opportunities to learn in their mother tongue as guaranteed by article 4 (3) of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992.

Racial discrimination and xenophobia against minorities, migrants, refugees and asylum seekers

60. Recognizing that the redrawing of State borders in the Central and Eastern European region has created a significant group of stateless persons, special attention should be paid to adequate protection for such persons against racial discrimination and xenophobia.

61. Migrants, refugees and asylum seekers are often excluded from legal provisions that protect minorities. Therefore, the World Conference should urge States to ensure that legal provisions are in place to effectively protect minorities from racial discrimination and xenophobia. In this respect, States are urged to take urgent measures to ratify and implement effectively the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, and to ensure its rapid entry in force.

62. The World Conference should encourage the conclusion of intergovernmental agreements to help curb the illegal migration and trafficking in women and girl children which are the causes of many human rights violations, including racial and ethnic discrimination.

63. Special care must be taken to address the problems of members of minorities who are subject to multiple discrimination for being women, migrants, refugees, or members of another vulnerable group.

Appendix I

LIST OF PARTICIPANTS

Experts

Mr. Ivan Antanovich, United Nations Committee on Economic, Social and Cultural Rights
Mr. Vojin Dimitrijevic, Belgrade Center for Human Rights
Mr. Zdzislaw Galicki, Professor of Law, University of Warsaw
Mr. Konstanty Gebert, Editor in Chief, Midrasz Centre
Mr. Nicolai Girenko, Senior Researcher, Peter the Great Museum of Anthropology
Mr. Nils Muiznieks, Latvian Center for Human Rights and Ethnic Studies
Ms. Dimitrina Petrova, European Roma Rights Centre
Mr. Yuri Reshetov, United Nations Committee on the Elimination of Racial Discrimination
Ms. Magdalena Siposz, Minority Rights Group International
Mr. George Tarkhan-Mouravi, Head of the International Centre for Geopolitical and Regional Studies

States Members of the United Nations represented by observers

Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Ecuador, Estonia, Hungary, Iran (Islamic Republic of), Latvia, Lithuania, Pakistan, Poland, Romania, Russian Federation, Slovakia, Slovenia, South Africa

United Nations bodies and specialized agencies represented by observers

United Nations Economic Commission for Europe, United Nations Development Programme, Office of the United Nations High Commissioner for Refugees

Intergovernmental organizations represented by observers

Council of Europe, European Commission against Racism and Intolerance, Organization for Security and Cooperation in Europe

Non-governmental organizations represented by observers

Amnesty International, Asian Legal Resource Centre, Association of Roma in Poland, Brahma Kumaris World Spiritual University, Fraternité Notre Dame Inc., International Federation of University Women, International Helsinki Foundation for Human Rights, International Institute of Humanitarian Law, International League for Human Rights, International Movement against All Forms of Discrimination and Racism, International Save the Children Alliance, KOK-Koordinierungs Kreis gegen Frauenhandel und Gewalt an Frauen Immigrationsprozess, Migrant Rights International, Muslim World League, Peoples' Decade of Human Rights Education, Simon Wiesenthal Center, World Confederation of Labour (Brussels), World Veterans Federation (Poland)

National institution

Office of the Commissioner for Civil Rights Protection (Poland)

Appendix II

AGENDA

1. Opening of the session

2. Topic I. General Trends, Priorities and Obstacles in Combating Racism and Racial Discrimination, Xenophobia and Related Intolerance in Central and Eastern European States

3. Topic II. National Minorities in the Region: Issues and Perspectives on Equal Opportunity and Full Participation in Society (Racism and Institutionalized Racial Discrimination, Ethnic Nationalism in Civil Society and Political Life, Political Restructuring of Multi-ethnic Societies)

4. Topic III. Persistence of Discrimination Against the Roma, with Reference to Racially-motivated Violence, and Discrimination in Access to Justice, Education, Housing, Health Care and Employment

5. Topic IV. The Resurgence of Xenophobia and Intolerance in Central and Eastern European States, with Reference to Anti-Semitism and Racial Discrimination Against Minorities, Migrants, Refugees and Asylum Seekers

6. Topic V. Strengthening Human Rights Capacity-building Against Racism and Intolerance, e.g. the Rule of Law, the Capacity of Administrative and Judicial Institutions, the Role of Law Enforcement Authorities, Human Rights Education and Training, National Programmes and Policies to Eliminate Racial Discrimination

7. Topic VI. Action by Governments and National Institutions: Best Practices

8. Topic VII. Action by NGOs and Civil Society: Best Practices

9. Conclusions and recommendations

10. Closing

Appendix III

LIST OF DOCUMENTS

Provisional agenda

The Struggle against Racism and Xenophobia in Central and Eastern Europe: Trends, Obstacles and Prospects: background paper by Mr. Nils Muiznieks (HR/WSW/SEM.2/2000/BP.1)

General Trends, Priorities and Obstacles in Combating Racism and Racial Discrimination, Xenophobia and Related Intolerance in Central and Eastern European States: background paper by Mr. Ivan Ivanovich Antanovich (HR/WSW/SEM.2/2000/BP.2)

Problems of National Minorities and National Minorities as a Problem: Equity and Participation in Georgian Society: background paper by Mr. George Tarkhan-Mouravi (HR/WSW/SEM.2/2000/BP.3)

National Minorities in the Russian Federation: Issues and Perspectives on Equal Opportunities and Social Participation: background paper by Prof. Nicolai Girenko (HR/WSW/SEM.2/2000/BP.4)

Persistence of Discrimination against the Roma, with Reference to Racially Motivated Violence, and Discrimination in Access to Justice, Education, Housing, Health Care and Employment: background paper by Ms. Dimitrina Petrova (HR/WSW/SEM.2/2000/BP.5)

After the Deep Freeze: Ethnicity, Minorities and Tolerance in the New East and Central Europe: background paper by Mr. Konstanty Gebert (HR/WSW/SEM.2/2000/BP.6)

Strengthening Human Rights Capacity-Building against Racism and Intolerance: background paper by Mr. Vojin Dimitrijevic (HR/WSW/SEM.2/2000/BP.7)

Strengthening Human Rights Capacity-Building against Racism and Intolerance and the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination: background paper by Mr. Yuri Reshetov (HR/WSW/SEM.2/2000/BP.8)

Action by Governments and National Institutions: Best Practices, Polish Experiences: background paper by Prof. Zdzislaw Galicki (HR/WSW/SEM.2/2000/BP.9)

Actions by NGOs and Civil Society to Combat Racism and Discrimination, Protect Minority Rights and Increase Human Rights Capacity: Best Practices: background paper by Ms. Magdalena Siposz (HR/WSW/SEM.2/2000/BP.10)

Racial Discrimination against Vulnerable Groups: An Examination of Recourse Procedures of Non-Nations, Migrants, Asylum Seekers, Refugees, Minorities and Indigenous People Victims of Racial Discrimination: background paper by Mr. A. Eide (HR/GVA/WCR/SEM.1/2000/BP.3)

Action of National Institutions against Racism: Examples of Good Practices in East Europe: background paper by Mr. J. Kaltenback (HR/GVA/WCR/SEM.1/2000/BP.6)

Action of National Institutions against Racism: Examples of Good Practices: background paper by Mr. B. Pityana (HR/GVA/WCR/SEM.1/2000/BP.7)

Progress achieved in the fight against racism and reappraising obstacles to further progress: report of the High Commissioner on the questionnaire circulated pursuant to paragraph 49 (a) and (b) of Commission on Human Rights resolution 1999/78 (A/CONF.189/PC.1/3)

Report of the expert seminar on remedies available to the victims of racial discrimination, xenophobia and related intolerance and on good national practices in this field: note by the Secretary-General (A/CONF.189/PC.1/8)

Report of the Expert Seminar on Racism, Refugees and Multi-Ethnic States: note by the Secretariat (A/CONF.189/PC.1/9)

General Assembly resolution 54/154, "Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance"

General Assembly resolution 52/111, "Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference against racism, racial discrimination, xenophobia and related intolerance"

Commission on Human Rights resolution 2000/13, "Racism, racial discrimination, xenophobia and related intolerance"

Commission on Human Rights resolution 1999/78, "Racism, racial discrimination, xenophobia and related intolerance"

Report of Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1999/78 (E/CN.4/2000/16)